UNITED NATIONS

CEDAW

Convention on the Elimination of all Forms of Discrimination Against Women

Distr.
GENERAL

CEDAW/C/13/Add.1
15 December 1986

ORIGINAL: ENGLISH

Committee on the Elimination of Discrimination against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Second Periodic Reports of States parties

Addendum

HUNGARY

V.86-63235

PART I

Discrimination of any kind on grounds of sex, religion or nationality is alien to the social system, political regime, legislation and legal practice of the Hungarian People's Republic. This principle is laid down in the Constitution, the fundamental law of Hungary; its enforcement and consistent application is guaranteed by a number of statutory provisions, and its violation is punishable by penal, civil and administrative sanctions in cases specified by law.

Accordingly the Hungarian People's Republic is party to all international conventions on human rights which exclude and order to punish any form of discrimination.

The Hungarian People's Republic took an active part in the elaboration of the International Convention on the Elimination of All Forms of Discrimination against Women, supported and voted for the Convention adopted by the United Nations General Assembly on 18 December 1979, and was among the first to become a party to it. The Convention was promulgated by Law-Decree No. 10 of 1982 and thereby became an integral part of the national law.

In Hungary there exist all legal conditions for the practical enjoyment of equality by women. As is reflected in the Report, the provisions of law as well as the economic, cultural and health measures devised to ensure for women the full enjoyment of equality change, develop and widen in scope parellel to social progress and the growth of material resources. The development of Hungary's legal system in the course of socialist construction reflects an earnest endeavour of the State to create as favourable conditions as possible, in terms of both material resources and mentality, for the combination of women's gainful activity and maternity. At present women account for 52 % of Hungary's population of 10.6 million.

The Hungarian People's Republic has undertaken to implement the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and to comply with the obligations emanating therefrom for the States parties.

The principles and measures required by the Convention were spelled out in Hungarian legislation prior to the entry into force of the Convention and even go beyond its scope in several respects.

PART II.

The implementation of the Convention is ensured by the following legislative acts, administrative regulations and other measures:

Add. Part I of the Convention /Articles 1 to 6/

The Hungarian People's Republic comes out at every international forum for the observance of and respect for human rights and equality, including the equality of women, and condemns any form of discrimination.

All forms of discrimination are prohibited by the Constitution, and violation of this principle entails application of severe sanctions.

Act I of 1972 on the Amendment of Act XX of 1949 and the Integrated Text of the Constitution of the Hungarian People's Republic states the following:

"Art. 61 /2/ Discrimination of any kind against citizens on grounds of sex, religion or nationality is a severely punishable offence."

"Art. 62 /1/ Women in the Hungarian People's Republic enjoy equal rights with men.

/2/ The equal rights of women are implemented by provision of appropriate employment opportunities and working conditions, maternity leave with pay in the event of pregnancy and childbirth, increased legal protection of mother and child, and a system of maternity and child welfare institutions."

These provisions of the Constitution are given effect by detailed regulations relating to social, political and cultural life, employment and the family.

The Hungarian system of law is in keeping with the provision of the Convention that adoption

of special measures aimed at protecting maternity shall not be considered discriminatory. Any ideology professing the inferiority or superiority of either sex and any practice reflecting such ideology are incompatible with the socialist order of society.

The Hungarian People's Republic is a party to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others /done at New York on 21 March 1950/, which was promulgated by Law-Decree No. 34 of 1955.

Add. Part II of the Convention /Articles 7 to 9/

In consistent observance of the principle of equality the Constitution guarantees the right for all citizens, men and women alike, to participate in social and political affairs. At the same time it is a constitutional duty of citizens to discharge their public functions, elective or appointive:

"Art. 68 /1/ Every citizen has the right to take part in the management of public affairs; it is his duty to discharge his public functions conscientiously."

Another important form of participation in public affairs is the presentation of proposals of public interest to political and social organizations, which are under the obligation to consider such proposals on their merits:

"Art. 68 /2/ Citizens may bring forward proposals of public interest to political and social organizations. Such proposals shall be judged on their merits."

Where appropriate, the Government organs regularly request the opinion of Hungarian women, which is represented by the National Council of Hungarian Women.

The right to vote and to be elected is likewise regulated by the Constitution with full respect for the equality of sexes:

"Art. 72 /1/ All adult citizens of the Hungarian People's Republic have the right to vote."

"Art. 73 /1/ Every citizen who has the vote is eligible for election as a Member of Parliament or as a councillor."

This aspect is covered in detail by Act III of 1983 on the Election of Members of Parliament and of Councillors, which introduced the mandatory nomination of two or more candidates.

Women's participation in public life is illustrated by the following statistical data:

The right to vote is exercised by 98-99 % of women entitled to vote, and a large number of them are elected to political, social and mass organizations.

At present 81 out of the 387 Members of Parliament are women /representing 21 % of the total/. This ratio was higher /27 %/ before 1985, but, with the nomination of several candidates, a greater proportion of citizens voted for male representatives, which indicates that old traditions and prejudices are still to be overcome in full.

The ratio of women among councillors /members of the local organs of state power/ is 31 % /equal to that of 1981/.

The ratio of women in the committees of the Patriotic People's Front comprising broad strata of society is steadily increasing /39 % at present/.

Women play a traditionally important role in the trade unions as the largest of mass organizations in Hungary /and represent 55 % of all trade union functionaries/.

Some 48 % of functionaries in the cooperative movement are women.

The National Council of Hungarian Women works together with other social organizations for the full implementation of women's equality. It is one of its many concerns to keep under review the social aspects of the situation of women, making analyses, formulating proposals and joining efforts to see that women's equality in work, public life and the family is implemented as fully as possible through government measures and social action. The Council is also concerned to see whether new legislations adopted in parallel with social progress or draft amendments of existing laws provide for the necessary measure of protection for women or are guided by the modern concept of equality; whether social progress calls for new legislation or amendments to existing laws; and how the measures for the protection of women, mothers, children and the family are implemented. It gives its opinion on proposed laws and, where necessary, initiates legislation or legislative amendments. It makes

surveys and analyses of the practical implementation and social impact of certain laws and social policy measures concerning women, children and the family and works out proposals in the light of experience for government organs and the legislature.

The Hungarian Government encourages and promotes its representation by women in the work of international organizations and other fora.

Women in the Hungarian People's Republic enjoy equality in respect of acquiring, changing or keeping their nationality. Legislation provides for guarantees against the automatic change or loss of women's nationality as a result of their marriage. The full equality of sexes is reflected in Act V of 1957 on Nationality:

" Art. 1 /1/ A Hungarian citizen is a person who:

/a/ is the child of a parent of Hungarian nationality;

/b/ has acquired Hungarian nationality by naturalization or re-naturalization;

/c/ was a Hungarian citizen at the date of the entry into force of the present Act, unless he/she lost his/her nationality."

Accordingly, in the Hungarian concept of law, a women of Hungarian nationality does not change her nationality as a result of marriage with a foreign citizen. Women enjoy equal rights with men in respect of the nationality of their child as well.

Add. Part III of the Convention /Articles 10 to 14/

The Constitution not only guarantees the constant improvement of citizens' education, but also spells out the right of all citizens to education:

"Art. 18. The Hungarian People's Republic... guarantees the constant education and training of citizens."

"Art. 59 /1/ The Hungarian People's Republic ensures the right to education for every citizen."

The general rules concerning the right to work, to remuneration according to work, the right to rest, social insurance and health care are also contained in the Constitution:

"Art. 14 /1/ The basis of the social order of the Hungarian People's Republic is labour."

"Art. 55 /1/ The Hungarian People's Republic guarantees the right of its citizens to work and to remuneration according to the quantity and quality of work performed."

"Art. 56 /1/ The Hungarian People's Republic ensures for its citizens the right to rest.

/2/ The Hungarian People's Republic enforces this right by the statutory establishment of the working time, by guaranteeing paid holidays and by supporting the organization of rest and recreation."

"Art. 57 /1/ Citizens in the Hungarian People's Republic have the right to the protection of life, corporal integrity and health.

/2/ The Hungarian People's Republic enforces this right by the organization of labour safety, health institutions and medical services, and by the protection of the human environment."

Art. 58 /1/ Citizens in the Hungarian People's Republic have the right to financial support in case of old age, disease and disability.

/2/ The Hungarian People's Republic guarantees the right to financial support by a social insurance scheme and a system of social institutions."

The establishement of employment relations and the rights and duties arising from emloyment are regulated in detail by Act II of 1967 on the Labour Code, which guarantees the equality of sexes in this field and devotes especial attention to the increased protection of women, taking account of their physical and biological condition and of the requirements indispensable for them to fulfil their role as mothers:

"Art. 18 /3/ In establishing emloyment relations and defining the rights and duties arising from employment no discrimination shall be made against employees on account of sex, age, nationality, race or social origin."

"Art. 19 /2/ Employment shall not be denied to pregnant women or mothers on account of pregnancy or motherhood. Under similar conditions prevailing, pregnant women and mothers with small children shall enjoy preference in respect of employment."

"Art. 20 /2/ Women and minors shall not be assigned to work liable to be injurious to them in

view of their physical condition or of development."

"Art. 26 /4/ The employer shall not terminate the employment of a pregnant woman or a mother during the period of pregnancy and nursing, before the expiry of the 6th month following childbirth, and during the period of leave for child care."

"Art. 38 /3/ A working woman from the fourth month of her pregnancy shall by no means be required to work overtime or to be on stand-by duty until her child completes six months of age, while from that period until the child completes one year of age she may be assigned to such work or duty with her consent only..."

"Art. 42 /2/ Mothers shall be entitled to supplementary leave...."

The relevant provisions of Decree No. 48/1979. /XII. 1 ./ of the Council of Ministers on the Enforcement of the Labour Code including the following:

"Art. 47 /2/ A working mother, and a working father rearing his child alone, shall be entitled to an annual supplementary leave of

- 2 working days for one child;
- 5 working days for two children;
- 9 working days for three children or more under 14 years of age."

"Art. 54 /1/ A pregnant woman or a child-bearing mother shall be entitled to a maternity leave of 24 weeks, four of which shall be taken before the probable date of delivery."

A mother shall be entitled to her full pay during the entire period of maternity leave. A one-time maternity grant of 4,000 forints shall also be due for the first and every further child. This grant and a maternity leave of six weeks shall be due in case of stillbirth as well. The maternity leave may be enjoyed by an adoptive mother from the date of taking the child into her care, but not later than the 20th week from the birth of the child.

Nursing mothers in employment are granted time-off with average pay. They are allowed two daily nursing periods of 45 minutes each until the end of the sixth month of nursing and one daily nursing period of 45 minutes until the end of the ninth month of nursing. This benefit is also enjoyed by hand-feeding and adoptive mothers.

In Hungary 82 % of women of working age are in employment, and women represent 48 % of all active earners.

With the concurrence of the trade unions, the organs of state administration keep under review the types of work which, with the advance of science and technology, are likely to involve hazards to women's health, extending or reducing their range in the light of findings.

Decree No. 6/1982. /VI. 12./ of the Minister of Health on the Protection of the Health and Physical Integrity of Women and Minors provides the following:

"Art. 2 /1/ Women... shall not be employed in types of work harmful to health or under conditions of

work likely to involve increased hazards to health, physical integrity, or children yet unborn...".

The types of work harmful to health and physical integrity are listed in the annex to the said Decree. The prohibitive list is subject to review when changes occur in working conditions, on medical advise, or else every five years.

The state-financed child-care allowance scheme, which was introduced in 1967, was a great achievement of Hungary's social policy. Under it, a working mother was allowed, after expiry of the maternity leave, to stay at home to attend to her child until he completed 3 years of age, with the original monthly sum of the allowance being fixed at Ft 800 for the first child, at Ft 900 for the second child, and at Ft 1,000 for the third child. In accordance with the relevant provisions still in force, the employment relations of mothers on this scheme are maintained, and the duration of the benefit is counted towards the period of service.

The child-care allowance scheme has undergone significant changes since its introduction /Decree No. 10/1982. /IV. 16./ of the Council of Ministers/. Whereas previously only a mother or a single father was entitled to this benefit before the child's completion of one year of age, now a father may also avail himself, instead of the mother, of this scheme. After the child completes 18 months of age, the beneficiaries may, while on the scheme, work half the statutory working time. The enjoyment of this benefit may be interrupted once a year or, in justified cases, several times /for family reasons/. From 1 January 1985 the benefit is extended to day-time university and college students. From 1 March 1986 the parent of a child who suffers from a illness or is of

bodily or mental infirmity is also entitled to the benefit of this scheme, with twice the amount of the child-care allowance, until the child completes six years of age.

In 1985 the total sum of the allowance was Ft 2.8 billion enjoyed by 83 % of the entitled persons.

In 1985 a new Social insurance measure, the child-care benefit was introduced which represents a much higher level of social provision than the child-care allowance as its amount follows to some extent the scale of individual wages or sick-pay /Decree No. 1/1985. /I. 17./ and 3/1985. /I. 17./ of the Council of Ministers as amended by Decrees No. 2/1986. /II.27./ and 5/1986. /II. 27./ of the Council of Ministers/. Under this scheme, a working mother or a working father rearing his child alone may choose to stay at home - from 1 March 1985 until the child completes one year of age and then form 1 March 1986 until the child completes one and a half years of age - and is entitled to a child-care benefit equal to her/his wage within a certain limit. The amount of the child-care benefit accordingly varies but shall not be less than the lowest amount of the old-age pension and shall not be more than twice that amount.

For the time being, the two schemes /child-care allowance and child-care benefit/ run parallel, meaning that after expiry of the child-care benefit parents are automatically entitled to a child-care allowance until the child completes 3 years of age or, in case of gravely defective children, 6 years of age. Where, in case of several children or low wages, the amount of the child-care allowance exceeds that of the child-care benefit, the entitled parent is free to choose the more favourable scheme.

By the introduction of the child-care benefit the Hungarian Government is seeking to create favourable material conditions for child-rearing as a socially useful activity, thus promoting child-care in the home and mothers' release from work.

In 1985 the total amount of child-care benefit was 1.6 billion forints, and 220,000 parents availed themselves of the two schemes.

The basic principle of social insurance, namely the right to financial support in case of old age, illness and disability, is laid down in the Constitution as a civic right:

"Art. 58 /1/ The citizens of the Hungarian People's Republic have the right to financial support in case of old age, disease and disability.

/2/ The Hungarian People's Republic guarantees the right to financial support within the social insurance scheme and by a system of social institutions."

Under the Social Security Act /Act II of 1975/, social insurance is a task of the State, which shall devote special care to material support for women, young people, and families with children, particularly those with several children /para. 2 of Art. 4/, and childbearing women shall be entitled to maternity and confinement allowance and maternity benefit /Articles 23, 25 and 26/.

All working parents are entitled to a sick-pay for the purpose of nursing their ill children. The past 5 years have witnessed a continuous development of this benefit. From 1 September 1985, the period of entitlement to a sick-pay is considerably longer, extending until

the child's completion of 10 years of age. The sick-pay is due for the duration of the contingency if the child is under one year of age, for 84 days /as against 60/ a year if the child is over one year but under three years of age, for 42 days /as against 30/ or, in the case of a single parent, 84 days a year if the child is over three but under six years of age, and for 14 or, in the case of a single parent, 28 days a year if the child over six but under ten years of age. The new measure allows the unused part of the sick-pay period to be carried over into the next year.

The Labour Code enforcement Decree as amended in 1981 entitles a working mother or a working father rearing the child alone to one day off without pay a month if either parent attends to at least two children under 14 years of age /Art. 56/.

During the past five years the amount of the family allowance was also considerably increased and the scope of entitlement to it was enlarged.

The retirement age in Hungary is 55 years for women and 60 years for men.

Women in both urban and rural areas benefit from the political, legal, social, economic, financial, health and cultural measures ensuring their equality.

Add. Part IV of the Convention /Articles 15 and 16/

The equality of citizens before the law is expressed in both the Constitution and the Civil Code, under which everyone, including women, has legal capa-

city. Women enjoy equal rights with men in making contract, possessing property and participating in all phases of judicial and administrative proceedings.

Art. 8 of the Civil Code provides:

"/1/ Everyone in the Hungarian People's Republic shall have legal capacity and may have rights and obligations.

/2/ Legal capacity shall be equal irrespective of age, sex, race, nationality or religion.

/3/ A contract or unilateral declaration restricting legal capacity shall be null and void."

Art. 48 of Act III of 1952 on Civil Procedure provides: "A party to a lawsuit may be a person who may have rights and obligations under the rules of civil law /capacity to sue and to be sued/."

The Constitution /Art. 15/ protects the institutions of marriage and the family in keeping with the principles of equality and non-discrimination of sexes. The family law /Act IV of 1952 on Marriage, the Family and Guardianship as amended by Act I of 1974/ is in comformity with this constitutional principle. Its relevant provisions include the following:

"Art. 1. The purpose of the Act on Marriage, the Family and Guardianship is, in pursuance of Articles 15, 16 and 62 of the Consitution and in accordance with the social order and the socialist conception of the People's Republic, to regulate and protect the institutions of marriage and the family, to ensure the equal rights of spouses during marriage and in family life...".

Accordingly the spouses enjoy equal rights in the conclusion of marriage, during its subsistence and at its dissolution as well as in the common matters of marital life, including those concerning property and the child /parental supervision/, the paramount consideration being the interest of the child.

"Art. 23. Husband and wife shall have equal rights and duties in matrimonial matters."

"Art. 24. Husband and wife shall be duty-bound to ... support each other."

"Art 25. The spouses shall select their place of residence by common agreement."

Under the Act, parents bear a joint responsibility for the upbringing and care of the child and exercise parental supervision jointly:

"Art. 71. /1/ Parental supervision shall be exercised in accordance with the interest of the minor child."

"Art. 72 /1/ Parental supervision shall be jointly exercised by parents."

The family law provides for the wife several options of name in married life:

"Art 26 /1/ The wife may chose:

/a/ to bear the full name of her husband with the affix indicating her married state, to which she may add her own full name;

/b/ to bear the surname of her husband

with the affix indicating her married state, to which she may add her own full name;

/c/ to add her maiden name to the surname of her husband;

/d/ to bear her own full name only, after conclusion of the marriage."

The equality of spouses is likewise reflected in the provisions concerning the community property regime during marriage:

"Art. 27. /1/ The conclusion of marriage shall establish a community of property between the spouses for the duration of their marriage. All the property acquired jointly or separately during the marriage, excluding assets beloning to the separate property of either spouse, shall become undivided common property of the spouses."

The principles of equality and non-discrimination between sexes are also expressed by the following provisions of the family law:

"Art. 2 /1/ A marriage is contracted if the parties, together present before a registrar or other magistrate of the executive committee of the council acting in his official capacity, declare in person their intention to marry each other.

/2/ The declaration made, the registrar shall enter the marriage in the register of marriages.

/3/ The marriage shall be solemnized publicy, in the presence of two witnesses, in an office

assigned thereto."

The marriageable age is regulated as follows:

"Art. 10 /1/ A marriage may be concluded by a man over 18 and a women over 16 years of age.

/2/ The conclusion of marriage by a man under 18 and a woman under 16 years of age shall be subject to prior permission by the guardianship authority."

A modification of the marriageable age to adjust it to legal age /18 years/ in the case of both sexes is currently under consideration, with a view to protecting the interests of women.